

RESOLUTION NO. 74549

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AMENDMENTS TO AGREEMENTS AMONG THE CITIES OF SAN JOSE, SANTA CLARA AND MILPITAS AND THE CUPERTINO SANITARY DISTRICT TO REFLECT THE TRANSFER OF 0.75 MILLION GALLONS OF CAPACITY IN THE SAN JOSE/ SANTA CLARA WATER POLLUTION PLANT FROM THE CUPERTINO SANITARY DISTRICT TO THE CITY OF MILPITAS

WHEREAS, on June 19, 2008, the Cupertino Sanitary District notified the City of San José ("City") that a recent engineering study had confirmed that its capacity rights in the San José/ Santa Clara Water Pollution Plant exceeded its projected demand for new sewer connections over the next 20 years; and

WHEREAS, pursuant to the terms of the Master Agreements for Wastewater Treatment among the Cities of San José and Santa Clara and Cupertino Sanitary District ("Cupertino"), Cupertino voted to designate 0.75 million gallons of the District's capacity as "excess pooled capacity;" and

WHEREAS, Cupertino has requested approval of the sale of 0.75 million gallons of its excess capacity to the City of Milpitas, as permitted under the Cupertino Master Agreement, subject to the approval of the Cities of San José and Santa Clara; and

WHEREAS, on May 6, 2008, the City Council of Milpitas authorized the purchase of up to 0.75 million gallons of excess pooled capacity from Cupertino; and

WHEREAS, the City desires to negotiate and execute amendments to agreements among the cities of San José, Santa Clara and Milpitas and Cupertino for the transfer of

0.75 million gallons of capacity in the San José/ Santa Clara Water Pollution Plant from Cupertino to the City of Milpitas;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute amendments to agreements among the cities of San José , Santa Clara and Milpitas and Cupertino Sanitary District to reflect the transfer of 0.75 million gallons of capacity in the San José/ Santa Clara Water Pollution Plant from Cupertino Sanitary District to the City of Milpitas.

ADOPTED this 19th day of August, 2008, by the following vote:

AYES: CHIRCO, CHU, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CAMPOS, CORTESE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk